

LATEST TELEGRAPH CONTINUED FROM PAGE ONE.

GOV. TYLER'S MESSAGE TO GENERAL ASSEMBLY.

Continued from Page 1.

main as it is, some other source of revenue will have to be devised. It is hoped, however, the assessment will increase rather than diminish. I do not feel, however, that the lands of the Commonwealth could, in the continued low price of products, stand a greater burden than now exists. If it should become necessary that any existing property should have an increased assessment, I believe that the railroad and some other corporations of the State would gladly bear a reasonable one on their properties. They are getting more and more prosperous every year, and the amount of taxes paid by them in proportion to their income is nothing like that paid by other property holders in the State. They are interested more than all other interests in the maintenance of the credit of the State, and it was the general understanding, as implied in the report of the Debt Commission, and understood by at least some of the members of said commission, if any increase in taxes should be required in order to meet the additional interest charges, that the railroads would assume said increase. I believe it to be to the interest of every railroad in Virginia to see that no question ever arises in regard to the payment of our public debt, or the interest thereon, and that rather than see the interest forfeited for a single year, that these great corporations could well afford to assume, and doubtless would assume, a much larger part, if not the whole interest fund itself; and I am not certain that even in such an emergency any very great inequality would be imposed on them by such a course. Our present system of taxation, as applied to railroads, is very much less burdensome than that of many other States. All the first-class lines in the State are assessed at \$15,000 per mile, while it is a known fact that hundreds of miles of these roads are mortgaged at two, three and four times this amount. It is not necessary for me to call attention to the fact that all properties are generally worth far more than the amount of mortgages that can be put upon them, and while there is provision for railroads and other corporations to pay under our laws an income tax, yet before paying this income tax they are allowed to deduct from their income interest on three or four times the amount of bonds their road is assessed for. I would recommend to this Legislature that no corporation, in ascertaining its income, should be allowed to deduct interest on bonds greater than the amount of assessment for taxation against the property.

Let me try to make this plain. For instance, a corporation might have a net income of, say, \$175,000. One per cent. income tax on this amount would yield the State \$1,750. The directors could easily create a fictitious debt by issuing bonds in excess of what are actually negotiated, of say, \$3,000,000, holding the bonds themselves, and pay interest on these bonds to themselves, which at six per cent. would be \$180,000, thus entirely cutting the State out of the amount of its income tax. No such opportunity should be left open for the practice of such frauds. I do not mean to say that we have in the State of Virginia corporations that would do such things, but in this day of stock and bond manipulations, it is well to provide against the possible accomplishment of such purposes. I yield to no man in my State in the desire to see our railroads and all other industries prosper. I am in favor of doing what is right between man and man, and as between man and corporations. I heartily favor encouraging public enterprises by showing them every possible encouragement under the law, and I believe the investment of new capital in our State is a great and inevitable benefit to all our people. It gives employment to what would otherwise be idle hands; it builds up waste places and stimulates trade and develops industries in every direction. Corporations, justly and equitably assessed and taxed, and held to the sole object of their creation, are one of the great forces in our modern civilization in bringing into the reach of all men the comforts of living. So long as they do not interfere in the political rights of the people, and do not seek to avoid the just share and proportion of the burdens of government, they are a blessing to mankind. In this connection I would recommend in order to relieve the railroads of a burden, for which no one gets any corresponding benefit, the abolition of the office of State Railroad Commissioner; and if, in the wisdom of the legislature any such commission is desirable, that its object and purposes be clearly defined, and that its officers be paid out of the treasury of the State.

THE PUBLIC DEBT.
The General Assembly at its last session, for the third time, opened the door for the funding of the old securities which had not been funded under the Act of February 14, 1882, or February 20, 1892. The report of the Second Auditor shows that under the provisions of this act, the holders of \$162,619.51 of old securities surrendered and had them funded and received in lieu thereof \$44,172.45 of new 2-3 bonds. This increases the century debt to \$18,002,053.67. As there is still outstanding a small

remnant of bonds with tax receivable coupons attached, which may continue to annoy the collectors of the State's revenue and intercept a portion of her taxes, I would suggest that the opportunity be again given to fund these, under such conditions as in your judgment you may think equitable.

The interest on Virginia bonds has been paid promptly under Act February 14th, 1882, and February 20th, 1892, and the prospects that the State will be able to continue to pay its bonds, has largely restored the State's credit, and her bonds are now popular as an investment and have increased in market value. Our own people are already large holders of these bonds, and will, I think, in a short time, absorb the debt.

DELINQUENT LAND TAX.
There has been a wide-spread discussion and dissatisfaction concerning the act of the last legislature providing for the sale of the delinquent lands of the State. The measure has been found to work hardship in some of its features, and in that respect should be amended; but at the same time suitable provision should be maintained for collecting the taxes due the State. And as under the harsh measure already passed, which we must admit was better than no law at all on the subject, the greatest hardships have already been passed through by the citizens of the State, and so far as that law is concerned, the principal harm has already been done. It would now be unwise, in the extreme, to enact legislation which would restore such an unsatisfactory condition as existed in this Commonwealth before the present law was passed. Means should always be provided to collect the taxes due the State, and any legislation which would leave a gap in their enactments whereby any class of our citizens, rich or poor, could evade the payment of their taxes would be derelict in its duty. It has been the practice of many parties to quietly acquiesce in the delinquent sale of their lands, knowing that the State would hold them, and that only the usufruct of six per cent. interest would be charged at redemption, and in some instances only the first penalty of five per cent. would be added. This was equivalent to the State loaning said parties the amount of their assessments, whilst those who were annually paying their taxes were realizing the threatened danger of an increase of tax burdens to meet the demands of the State, occasioned by the failure of some to pay. This condition of affairs naturally forced the State to take necessary steps to collect the large sums of money that had been withheld from the Treasury. Hence the passage of the Act of February 11th, 1898.

The act was, as I have said, defective in some of its features, and if it is kept on the statute books should be amended. When the applicant for tax title is a non-resident of the county or corporation, where the application is filed, it would be in almost every case far cheaper to pay the penalty even when unjust, than to follow the applicant outside of the county or corporation and sue for damages done by him, thus putting redress practically beyond the reach of the injured land owner. It is therefore recommended that in any legislation looking to the better collection of taxes, the county or corporation court wherein the land is situated, should be vested with jurisdiction, on motion, or by suit, to try and determine all questions arising under such legislation. The applicant for tax title being required as a prerequisite to the filing of his application for such a title, to designate by proper writing, to be recorded in said court, some person in said county or corporation upon whom proper legal notice of such motion or suit can at all times be made. I would also recommend that provision be made for service of notice of such application on the present owner of record when such owner is different from the person in whose name the land is assessed on the last land book. It is also recommended that in all such legislation, provision be made for county and municipal taxes, as well as State taxes.

It is a well known fact that many purchasers of real estate, after years of occupancy and fancied security, have been compelled to pay delinquent taxes on their lands assessed in the name of former owners, which taxes, if known at the time of acquisition, would have been paid out of the purchase money.

Therefore, for the better protection of purchasers of land, and the better collection of such taxes, it is recommended that as a prerequisite to the recording of all deeds and conveyances of land, other than the deed of the public, there shall be endorsed on such conveyance a certificate from the proper officer, or officers, showing that all taxes, State, county, and municipal, in the name of the grantors upon the property conveyed prior to the beginning of the current tax year, have been paid. This, it is believed, will inaugurate a simple, inexpensive system, growing more effective year by year, and one which will eventually prove safe, satisfactory and efficient, without hardship or material expense to the Commonwealth or land-owner, and will obviate the necessity for a large amount of tax legislation.

OUTSTANDING ASSETS.
The Governor briefly refers to unpaid claims and judgments in favor of the State, and on account of the inability of the Attorney General to give the necessary personal attention to their collection, recommends that authority be granted to employ a special attorney for this purpose.

THE PENITENTIARY.
The reports of the Superintendent and Board of Directors of the penitentiary show that that important institution has been carefully and successfully managed, and during the past two fiscal years has contributed to the public treasury the net sum of \$108,105.20, to-wit: \$30,056.64 for the year 1897-98, and \$46,108.56 for 1898-99. The expense of transporting prisoners to and from the penitentiary, amounting, under the new and economical system, to between \$5,000 and \$6,000 per annum, is not included in these figures. A larger showing would have been made for the first-named year, but for the imperative necessity of adding to the hospital buildings at the prison and at the farm, and enlarging the penitentiary work shops. During both years a large amount of permanent improvements have been made at the State farm. The net cash revenue remaining in the treasury to the credit of the penitentiary for the year just passed is the largest on record. While these figures are gratifying from a financial standpoint, I am glad to be able to say that, in my judgment, the prisoners are employed under a system which is the best that could be hoped for so far as their well being is concerned. Practically speaking, all the convicts are worked under the eye of State officers. Experience has shown that the health of the convicts is better when they are employed than when they are idle, and better under the existing system than it was when prisoners were hired out upon public works.

An opportunity now presents itself for the State to buy the Tucker farm, and, if in your judgment the price asked is reasonable, and the condition of the State's finances will permit, I would recommend that the purchase be made. We should not then be paying any greater rental than we are now paying, and would be justified in making improvements there which we could not think of making while we are tenants.

While I am clearly of the opinion that the State should own more land, I do not believe that the number of prisoners at the State farm can be increased materially in the near future. The contract with the Shoe Company, which recently has been extended to the year 1913, will require the penitentiary authorities to keep here in Richmond (where most of the profits of the institution are earned) about 1,250 men and women. It follows therefore, that with all the relief the farm can afford, the cells in the men's department at the penitentiary must be deplorably crowded. There is ample room in the women's ward, but the men are packed beyond the bounds of decency. Not only are these cells too few in number, but they are without sewer connections. What is more, the necessity of discipline requires that when a cell door is closed at night, it is not usually opened again till morning.

A total of 102 conditional pardons have been granted. He asks attention to what the board of directors has to say about amending the act so as to bring within the operations of the law many prisoners who are now excluded from its benefits.

CHAPLAIN RECOMMENDED.
I concur with the Board and Superintendent, and emphasize their suggestion as to the desirability of appointing a chaplain for the penitentiary. The ministers of the gospel in this city have done a great and good work in visiting the prisoners, and I hope they will continue their visits; but there should be one in daily attendance upon the prison, and for such services the State should be willing to pay a reasonable salary.

COLORED REFORMATORY.
The Governor, after referring to this institution, says: A plantation of 1,806 acres of land has been purchased at a cost of \$14,432.00, by contributions by our own citizens and philanthropic persons from outside of the State, and this fund has been supplemented by a generous gift from Mr. Collis P. Huntington, of New York, of over \$11,000. Some needed repairs have been made to the buildings, and the school has been put in operation. I granted conditional pardon to seven boys under 16 years of age and sent them to the school; and I am glad to report that on a visit of inspection to the farm by the Board of Managers of the Penitentiary and myself, we found them making most satisfactory progress. These boys have so far been clothed and fed by the institution.

Virginia has given large opportunities for common school and higher education for colored children and youths, and yet there is a distressing lack of moral advancement among some of them, as witnessed by the crowded condition of our penitentiary and jails; and the State should, for its own good and the welfare of this class, devise some plan for saving the large number of negro children and youths who are beyond the influence of the public schools or intelligent home restraints. It is to the interest of the State and of society that every effort be made for the moral, religious and educational advancement of all classes of citizens. This work, of course, is in a large measure experimental, but, in efficient hands and with proper and sufficient encouragement, it is well worthy of experiment, and it would be well for the Legislature to make some arrangement with the institution to take incorrigible or criminal boys or girls, something like similar terms as those under which they are taken at the Laurel Reformatory.

STATE HOSPITALS.
The Governor refers to the State Hospitals for the care and treatment of the insane, and recommends that the necessary appropriation be made to complete the unfinished addition to the hospital at Marion.

INSTITUTIONS OF LEARNING.
Considerable attention is devoted to the schools and colleges of the State. Of the V. M. I. he says: An epidemic of typhoid fever unfortunately interrupted the work of the Virginia Military Institute, but it is now believed that the cause has been discovered and removed, and that a recurrence of such conditions will always be, in the future, impossible. This institution, clustered about as it is with such noble and heroic memories, has a great work to do in the scientific education of youths and in drilling them in the art and science of war. It is the only purely military institution maintained by any State of this Union; and, in our Civil war and in the late Spanish-American war, furnished many courageous and noble and skilled officers for our American troops. It deserves your fostering care, and receives such hearty commendation.

The appropriation to this, and the general appropriation for maimed and dependent soldiers should be continued.

SOLDIERS' HOME.
Appropriations to this institution, and for maimed and dependent soldiers should be continued, the Governor says.

TRUSTS.
Chartered companies or corporations are the creatures of State legislatures. They get their right to exist from such bodies as your own, while at the same time the channels of their operations and the expenditure of their energies are marked out for them by your hands. You have the power, not only to create

such organizations yourself, but also to regulate the way in which the corporations created by other State legislatures shall conduct their business in the State of Virginia.

This power should be most zealously guarded and most conservatively used. On the one hand, by your failure to authorize or create a chartered company, you may lose an opportunity to build up your State and bring into life and action her dormant wealth. On the other hand, by a too free and unquestioning use of the chartering power, you may give into the hands of unscrupulous men the opportunity to take away, in a remediless manner, some of the dearest rights of their fellow-men.

We are confronted with changes of most stupendous character that are going on in the world's industrial affairs. A struggle mighty in power and principle is forming between the citizen, with all his rights and privileges, on the one side, and collectivism or communism, with all its threatened evils, on the other. What the result of this contest will be, or what is the practical solution of the problem, we cannot foresee; nor am I able to point out a remedy entirely satisfactory to myself.

I would suggest as wholesome checks on the abuses and oppressions and threatening danger from great corporations and combines, certain unmistakable additions to the criminal code of our State, which I had the honor to recommend in my inaugural address delivered before the last legislature, and also that the officers of such corporations be held to a strict accountability for the faithful discharge of their duties, and for honorable and zealous care of the interest entrusted to them.

I would suggest that you enact laws for the violation of which penalties be prescribed covering in clear terms those things which no corporation shall be permitted to do in the State of Virginia. Among these criminal acts I would place the use of money by contribution or otherwise in elections, or primaries; false returns of taxable values; the publishing of false financial statements by officers or directors; illegal combinations to oppress a weak competitor and drive him from a rivaling business. These strike me as being practical suggestions, and if they will not entirely solve the so-called trust question, they will, at least, put wholesome restraints upon them. Of one thing I feel sure, that unless some such laws are enacted to check and regulate the power and influence of these grasping combines the people will soon become their manacled slaves. Should the private and political rights of the people be destroyed, their holdings confiscated in a few hands, and every office controlled at their dictation, then indeed, will the hope of our republic have expired.

BUYING VOTES.
The injury and evil arising from the assertion and publication of the charge of buying votes, and controlling elections in the State by the use of money and corporate influence is growing to an alarming extent. Especially is this the case in regard to county and municipal elections.

Many unjust complaints on this score arise from political animosities. But it is only just to his good name, to give the judge who performs this thankless task an opportunity to unmistakably vindicate himself, and to stop the cry and clamor of the detractors of himself and his State. Hence a man laying a charge of this kind should be given full and ample opportunity to sustain it.

SENATORIAL PRIMARY.
While I am aware of the question of electing United States Senators by direct vote of the people, is, primarily, a national one, and that the most satisfactory means of obtaining this would be through amendment to the Federal Constitution; still experience has shown and the belief is firmly fixed in the minds of the people that there is but little if any hope for a change through Congressional action, and relief, if it comes, must come through the State legislatures. That there are a large majority of the people of Virginia in favor of some mode whereby they can give expression of their choice on this important office as they do in the case of all other of their representatives, both State and National, is so manifest that I do not suppose it will be controverted, and as the election of a United States Senator is so intimately interwoven with our State affairs I feel that it is improper for me to call the attention of the legislature to this question.

I do not feel that it is necessary, if, indeed, it would be proper for me to set forth at length why such a change is desired, and why it should be adopted. It is certainly more in keeping with our republican institutions that the people choose directly their representatives. Then, too, if the election of a Senator were removed from the Legislature the representatives would be chosen more especially because of their known views on matters of State interest and importance, and not, as there is danger of, under our present system, because of their preference for certain candidates for the United States Senate, thus subordinating and preventing an expression of the people on matters of importance to their material interest which may come up for legislative action.

While I am glad to say that Virginia in the past has been free from some of the legislative scandals that have attended the election of United States Senators in recent years in some of our sister States, still we must realize that there is danger of such occurrences, since like causes produce like results.

The reasons are so manifold and convincing, and it is so evidently the desire of our people, that I earnestly recommend that the Legislature pass a general primary law, whereby the people can vote directly on their choice for United States Senator, and have the same safeguards and assurances that they have in other general elections that their wishes will be properly recorded.

I feel sure that the wisdom of the Legislature can devise a law that will give entire satisfaction to all of our people. No doubt the experience of our sister States that have resorted to this method will be of value in framing the bill.

AGRICULTURE.
The administration of the Department of agriculture is highly commended. The Governor urges an appropriation sufficient to make it effective. In reference to adulteration of food, he says:

The recommendations of the Commissioner as to the necessity of a pure-food law and the establishment of farmers' institutes, merits your earnest consideration, and I would especially commend the recommendation to properly publish the great mineral resources of the State. We should by all means bring to the at-

tion of the world our undeveloped mines of wealth. The State should no longer delay this important work of ordering a full and comprehensive geological survey of her mineral interests. No land under the sun with an equal amount of territory, can boast of greater advantages than Virginia, in soil, climate and minerals.

LABOR BUREAU.
The work of Labor Commissioner Montague is praised. The utility of this department has been demonstrated, the Governor declares. He says:

Your attention is respectfully invited to the able and full report he has made of our industrial conditions, and I hope favorable consideration may be given the changes and improvements he suggests in the law. Most of them strike me as being wholesome and necessary.

BOUNDARY LINE DISPUTES.
The Virginia and Maryland boundary line dispute is reviewed at length. In closing this portion of his message, he says:

In the oystermen of Maryland, who were in the habit of coming to Virginia to fish and oyster, could be made to feel that they were in danger of detection and surrender, they would, of course, not be so bold in their depredations. I regret to say that the plan did not work to full fruition, as the Governor of Maryland failed to honor the first requisition I made upon him under agreement; but a wholesome influence has been exerted on account of being arrested. The annoyance has almost ceased and but little complaint has been heard since this trouble.

YELLOW FEVER.
Yellow fever made its appearance among the inmates of the Soldiers' Home, at Hampton, on the 31st of July. I was notified by Dr. S. W. Hobson, quarantine officer at Newport News, as soon as the disease was discovered. I at once called on the Mayors of this and other contiguous cities, and notified the Secretary of the State Board of Health. Prompt steps were taken to prevent the spread of the disease, and by proper precautions it was kept confined to the locality in which it originated. In obedience to the request of the Mayor of Norfolk I ordered the State Naval Reserves and the State oyster police boats to assist that officer in preserving a strict quarantine around the city. The Mayor of Portsmouth summoned Grimes' Battery to assist him in helping to form a quarantine line to protect that city. The commandant of this battery vied to know if he should obey the summons, and was answered at once in the affirmative, but with caution to be sure that the summons was in order and from the proper authority, and was requested, in the interest of economy, to have his command relieved from duty as soon as possible. The troops were posted beyond the limits of the city in Norfolk county; and, owing to this fact and that the Sheriff of Norfolk county did not unite in the summons, and the further fact that the Governor did not give direct order to his command as was done in regard to those in Norfolk city, the Auditor declined to pay the claims for their services. The Attorney General sustained the contention of the Auditor, but the objections were of a technical nature. The officers, or men could not have refused to have obeyed the summons; at least, they could not have been expected to decide the question of technicalities even if they had been raised at the time. Quick action was necessary, and the true spirit of soldierly obedience was manifested, and arduous duties performed at great personal sacrifice and inconvenience. If the dread disease had been allowed to spread, great loss of life and damage to industrial interest might have occurred, and the severest censure would have been heaped upon the authorities who failed to do their duty. I therefore hope the Legislature will waive all questions of technicality and promptly order the payment of the claim.

THE STATE CONSTITUTION.
In conclusion, I would invite your attention to a subject which, in my judgment, is the most important one that can engage your attention at this session, and which deserves some action at your hands.

Virginians can surely lay claim to being makers of constitutions, and in these weighty matters, able to give the world a product of enduring strength and simplicity. The present Constitution, foisted upon a conquered people at the conclusion of our Civil war by an alien government, is expensive and cumbersome. It should be amended and re-written. I will not take up your time by going into a detailed exposition of the present Constitution, or in extended arguments in behalf of the changes desired. We should meet the question courageously, like Virginians should, and meet it for all time. There are several plans open for your consideration—one is to submit a call for a constitutional convention to the people; another to amend the present Constitution through separate and successive legislative enactments. Or you might select a joint-committee from the members of the House and Senate, as I had the honor to recommend to the last legislature, or appoint such a committee from citizens at large, whose duty it shall be to study and formulate the changes in the present Constitution that would redound most to the greatest good to the greatest number, somewhat after the plan by which the Code of Virginia was revised. This committee could sit through the coming spring and summer, and before another legislature is elected and assemblies here, the present one could be convened in special session and pass the recommendations of this committee. Then, if the same recommendations are passed by another legislature, and by their submission to the people for their ratification, we would have a Constitution amended with all ease and facility.

By adopting such a course, as this, we could get rid of the many vexatious delays and escape the heavy expense incident to a constitutional convention and the dangers incident to the indifference of the individual voters when such a question is submitted to them. It would be a great and worthy achievement. While we have lived very well and prospered greatly under the present constitution, such a class of citizens as this State can boast of are able to succeed under any constitution, however grave its defects. We would deserve well, not only of our present generation, but succeeding generations, if we met this weighty question in a spirit of fairness, of economy, and intelligent adjustment of the various parts of civil government, and evolve a written instrument that will save hundreds of thousands of dollars to the tax-payers of the State, and give us a simple, direct, and successful plan of government.

A TRIBUTE.
The Governor closes his message by paying a tribute to the memory of ex-Governors McKinney and Holladay, George Barrar, and Colonel John Bell Bigler, Clerk of the House of Delegates, as follows:

May your labors and conscientious endeavors to devise wise and just laws for the best interest of our State receive the benedictions of a kind Providence, which has ever watched over the affairs of our people.

J. HOGE TYLER,
Governor of Virginia.

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